GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition and Excise Department – Request of Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent, Markapur, Prakasam District for declaration of probation within the normal period in the cadre of Prohibition & Excise Inspector by relaxing rule 16 (h) of Andhra Pradesh State and Subordinate Services Rules, 1996 – Orders of APAT in O.A.No.1836/2011, dt.01.04.2013 and orders of High Court in W.P.No.31844/2013, dt.21.04.2018 - Relaxed - Orders – Issued.

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REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 241 **Dated: 13-03-2019**

Read the following:-

1. From the Hon'ble APAT, Hyderabad, orders in O.A.No.1836/2011 filed by Sri V. Chandra Sekhar Reddy, Prohibition & Excise Inspector, Task Force, Kadapa, dt.01.04.2013.
2. From the Hon'ble High Court of AP., Hyderabad, orders in W.P.No.31844/2013 filed by Sri V. Chandra Sekhar Reddy, Prohibition & Excise Inspector, Task Force, Kadapa, dt.21.04.2018.
3. From Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent, Markapur, Prakasam District, representation, dt.30.04.2018.
4. From the Commissioner of Prohibition & Excise, AP., in Cr.No.12021/9/2018/CPE/B4, dt.31.07.2018.

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O R D E R:

Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent, Markapur, Prakasam District selected as Prohibition & Excise Inspector through APPSC and allotted to Zone-IV and he joined on 02.11.1996 at A.P. Excise Academy, Hyderabad to undergo training. The individual has to pass the Departmental Tests in the prescribed period (3) years of probation, but he passed last test i.e., the Account Test for Subordinate Officers Part-I on 18-11-2001 beyond the (3) year period of Probation. Hence, his probation was extended to a later date by the Govt. invoking Rule 16(h) of the A.P. State Subordinate Service Rules, 1996 and as such the service of the individual is deemed to have commenced from 30.01.2000, vide G.O.Rt.No.12, Revenue (Ex.1) Department, dated.03.01.2003.

2. Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent submitted representation for relaxation of the Rule 16(h) of the A.P. State Subordinate Service Rules, 1996 stating that the Government relaxed the Rule 16(h) of A.P. State Subordinate Service Rules, 1996 in favour of Sri R.Kishan by implementing the orders of the Hon'ble APAT in OA.No.1710/2008, dated: 23.04.2010. But, the request was rejected by the Govt. vide Memo No.2331/Ex.1(2)/2011-3, dated.09.05.2011.

3. Aggrieved by it, Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent filed OA.No.1836/2011 in APAT against the orders in G.O.Rt.No.12, Revenue (Ex.l) Department, dated.03.01.2003. The Hon'ble APAT allowed the application, vide its order, dated.01.04.2013 and held that **"**Having regard to the submissions made by the learned council for the applicant; after perusing the orders passed by the Tribunal in OA.No.1710/2008, dated.23.04.2010 and also the consequential orders issued by the Govt., this Tribunal is convinced that the claim of the applicant is squarely covered by the orders contained in OA.No.1710/2008, dated.23.08.2010, which are implemented by the Government, vide G.O.Ms.No.1253, dated.30.09.2010 and G.O.Ms.No.105, 106 & 107, Revenue (Ex.I) Department, dated.16.02.2013**".**

(Contd…2)

4. The Government preferred an appeal through Writ Petition No.31844/2013 in the Hon'ble High Court of AP, Hyderabad and obtained interim stay against the operation of the orders passed by the Hon'ble APAT in OA.No.1836/2011. Subsequently, the Hon'ble High Court of AP in its W.P.No.31844 of 2013, dated:24.04.2018 held that "as we are informed that interim order of suspension in identical matters, being W.P.Nos.653, 1095 and 1115 of 2012, were vacated by this Court, vide common order, dated.04.12.2012, the continuance of the interim suspension in this case is not warranted or justified. The said order is therefore vacated. WVMP is ordered accordingly".

5. Government have examined the orders of APAT, Hyderabad in OA.No.1836/2011 and also vacation of interim stay by the Hon'ble High Court in W.P.No.31844 of 2013, dt.24.04.2018; keeping in view the orders issued in G.O.Ms.No.105, 106 and 107, Revenue (EX.I) Department, dt.16.02.2013 and the common orders of Hon'ble High Court of Andhra Pradesh in W.P.M.P.No.802, 1349 and 1380 of 2012 in W.P.No.653, 1095 and 1115/2012, dt.04.12.2012 and W.P. No.32689/2014, dt.30.10.2014 and W.P.No.40739/2014, dt.30.12.2014 and in view of the specific circumstances of the case, decided to relax Rule 16 (h) of A.P. State & Subordinate Service Rules in favour of Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent by invoking the powers of relaxation conferred under Rule 31 of A.P. State & Subordinate Services Rules, 1996 in supersession of orders issued in G.O.Rt.No.12, Revenue (Ex.1) Department, dated. 03.01.2003 on par with similarly situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013.

6. Accordingly, in supersession of orders issued in G.O.Rt.No.12, Revenue (Ex.1) Department, dated.03-01-2003, Government hereby order to relax the Rule 16 (h) of A.P. State & Subordinate Service Rules, 1996 in favour of Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent, Markapur, Prakasam District, on par with similarly situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013 and to treat the seniority of the applicant as per the ranking assigned by the APPSC in the cadre of Prohibition & Excise Inspector; subject to outcome of W.P.Nos.653, 1095 and 1115/2012, and W.P No.32689/2014, and W.P.No.40739/2014.

7. The Commissioner of Prohibition and Excise, A.P., shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P.,
RS.No.8-82B, Sai Vihar Apartments,
Poultry Farm Road, Prasadampadu(Village),
Vijayawada (Rural Mandal), Krishna District.
Sri V. Chandra Sekhar Reddy, Assistant Prohibition & Excise Superintendent,
Markapur, Prakasam District**.(through the CPE., AP.)**

Copy:
The PS to Minister (Prohibition & Excise)
The PS to Chief Secretary to Government.
The PS to Spl.C.S. to CM.
The PS to Spl.C.S to Government (P&E)
Sf/Sc.

//FORWARDED::BY ORDER //

SECTION OFFICER.